

CHAPTER 13
CODE OF PROFESSIONAL RESPONSIBILITY
FOR BOARD INVESTIGATORS

657—13.1(155A) General.

13.1(1) Investigators shall objectively view pharmacies and the professional practice of pharmacists. Investigators shall not allow personal feelings or biases to interfere with consistent, thorough, and impartial assessment of each pharmacy inspected. A licensee's attitude shall not bias the investigator. An investigator's conduct must never be abusive or offensive.

13.1(2) On-site education activities are an integral and important part of the inspection. The inspection shall be conducted to help and inform the pharmacist, not to belittle, embarrass, or harass the pharmacist. When the investigator identifies practices to be changed, the investigator shall logically explain the corrections needed to the pharmacist in charge or the pharmacist on duty.

13.1(3) The investigator shall base any required corrections upon currently existing law and board rules. If conditions involve ethics or good professional practice, the investigator may only offer recommendations or advice, based on sound, logical reasons. If an investigator writes recommendations on the inspection report form, they shall be entered on the form in the area(s) set aside for recommendations. If the recommendations are entered on another area of the inspection report form, or on a separate form, the comments shall be clearly identified as recommendations.

13.1(4) Operations vary from pharmacy to pharmacy, but this does not necessarily mean that some operations are correct and some are incorrect. Each operation shall be studied in its entirety before an assessment is made.

13.1(5) An inspection affords a valuable opportunity to correct violations or potential violations immediately. Every inspection shall be complete so that all violations of the law are revealed, and the report shall clearly indicate all significant findings.

13.1(6) If the investigator encounters problems or obstacles before or during the course of the inspection, the investigator shall contact the board office for instructions. The investigator should use discretion in determining if it is necessary to contact the board office.

If the investigator feels endangered or if the licensee is abusive, the investigator may vacate the premises. An investigator is not required to tolerate an unbearable situation. In the event an investigator vacates a pharmacy prior to completing the inspection, the investigator shall document in the field notes the reason(s) and details for leaving.

657—13.2(155A) Initial entry. After entering a pharmacy, investigators shall introduce themselves to the pharmacist or authorized agent of the pharmacy, and identify themselves with a business card or credentials.

657—13.3(155A) Identification with credentials. Investigators must be prudent when identifying themselves with credentials and must present the credentials in such a manner so as not to intimidate the agent of the pharmacy. Investigators must never use their credentials for the sole purpose of attracting attention or demonstrating their power of authority.

657—13.4(155A) Purpose of the inspection.

13.4(1) Most inspections are routine. However, if the inspection is not for routine purposes, the investigator shall inform the agent of the pharmacy of the reason for the inspection. Nonroutine inspections include audits and inspections due to: a complaint; a report of excessive purchases; a theft and loss report; a follow-up to a warning notice; or a special request from the board.

13.4(2) If an inspection is due to a complaint, the investigator shall state the general nature of the complaint (e.g., dispensing error, aiding and abetting, unauthorized refills). When possible, the investigator should not directly divulge the name of the complainant or any information about the complaint which would reveal the identity of the complainant.

657—13.5(155A) Notifying the pharmacist in charge. If the pharmacist on duty wishes to advise the pharmacist in charge, the investigator shall allow the pharmacist to do so. If the pharmacist in charge is not physically present in the pharmacy, the investigator shall allow the pharmacist on duty to contact the pharmacist in charge. If the pharmacist in charge desires to be physically present during the inspection, the investigator shall allow a reasonable amount of time for the pharmacist in charge to arrive at the pharmacy before beginning an inspection.

657—13.6(155A) Absence of pharmacist. Any pharmacist on duty is an agent of the pharmacy and may allow an inspection of the pharmacy. If the pharmacist on duty is temporarily absent from the pharmacy when an investigator arrives, the investigator shall not begin the inspection until the pharmacist on duty returns.

657—13.7(155A) Refusal of inspection. If the pharmacy agent refuses to allow an investigator to inspect the pharmacy, the investigator shall advise the agent that refusal of inspection is grounds for discipline. The investigator shall state, "It is my duty to advise you that refusal of inspection is grounds for discipline under Iowa Code section 155A.12, paragraph 7."

If the agent still refuses the inspection, the investigator shall attempt to obtain a signed statement that the agent of the pharmacy refused inspection. If this individual refuses to sign such a statement, the investigator shall document that the agent of the pharmacy refused inspection. The documentation shall include the name, address, and license number of the pharmacy, the license number and name of the person refusing the inspection, the date and time of the inspection refusal, and the signature of the investigator.

The investigator shall then leave the pharmacy, contact the chief investigator or the executive secretary of the board, prepare a written report of the incident, including all pertinent documentation, and forward this report immediately to the board office.

657—13.8(155A) Proceeding with the inspection. Following the introductory stage, the investigator shall proceed with the inspection if it has not been refused. The practice of a licensee shall not be impeded by an inspection.

The inspection report requires the investigator to determine whether a condition is in compliance or is out of compliance and requires a warning notice. For each question listed on the report form, the investigator shall make a thorough assessment of the conditions and indicate the severity of a problem. The investigator shall look for trends and shall not base a judgment on isolated incidents.

These rules are intended to implement Iowa Code section 155A.37.

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